

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	8:08CR267
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
JUAN CORREA-GUTIERREZ,	)	
	)	
Defendant.	)	

This matter is before the Court on the motion to suppress of defendant Juan Correa-Gutierrez(Correa-Gutierrez) (Filing No. 49). The motion does not comply with NECrimR 12.3 (b), in that the motion:

- ( X ) Is not supported by a brief;
- ( ) Is not supported by an Index of Evidence as required by NECrimR 12.3(b)(2) or a statement of what evidence will be offered at an evidentiary hearing requested for the motion;
- ( ) Is not accompanied by a statement verifying that counsel for the moving party has conferred with opposing counsel in person or by telephone in a good-faith effort to resolve by agreement the issues raised by the motion and that the parties have been unable to reach such an agreement;
- ( X ) Which requests an evidentiary hearing, does not contain a statement of the estimated time needed for the hearing, whether any interpreters will be needed, or whether any codefendant should be present and/or participate in the hearing.

Accordingly, the motion (Filing No. 49) is :

- ( X ) Held in abeyance pending compliance with NECrimR 12.3(b)(2). Absent compliance **on or before November 26, 2008**, the motion will be deemed withdrawn and termed on the docket.
- ( ) Denied.

**IT IS SO ORDERED.**

DATED this 18thday of November, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge